

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AROR ARK O'DIAH,
Plaintiff,

vs.

9:08-CV-941

MALCOM R. CULLY; RONALD W.
MOSCICKI; STEPHEN GUTER; D.
RICHARDSON; J. PEPIN; J. HAHN;
MR. & LT. SHAW; K. THOMAS,
Correctional Officer, Cayuga
Correctional Facility; D.
SWIERK, Mail Room Clerk,
Lakeview Shock Incarceration
Facility.

Defendants.

Thomas J. McAvoy,
Sr. U.S. District Judge

DECISION & ORDER

This *pro se* civil rights action pursuant to 42 U.S.C. § 1983 was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation dated March 26, 2013, recommended the following: (1) Defendants' motion for summary judgment be granted as to all claims and defendants, and the Complaint be dismissed with prejudice; and (2) Plaintiff's cross-motion for summary judgment be denied.

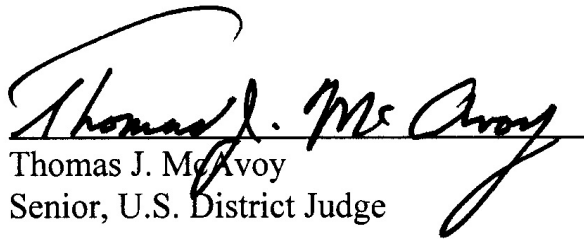
Plaintiff filed timely objections to the Report-Recommendation. When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id. Here, Plaintiff essentially raised the same arguments presented to the Magistrate Judge and did not make objections with sufficient specificity. See Arbor Hill Concerned Citizens Neighborhood Ass'n v. County of Albany, 419 F. Supp. 2d. 206, 209-10 (N.D.N.Y. 2005).

Having reviewed the record *de novo* and having considered the issues raised in the Plaintiff's objections, this Court has determined to accept and adopt the recommendation of Magistrate Judge Hummel for the reasons stated in the Report-Recommendation.

It is therefore **ORDERED** that Defendants' motion for summary judgment be granted as to all claims and defendants, the Complaint be dismissed with prejudice, and Plaintiff's cross-motion for summary judgment be denied.

IT IS SO ORDERED.

Dated: May 8, 2013



Thomas J. McAvoy
Senior, U.S. District Judge